

REMARKS

In the January 8, 2007 Office Action, the Examiner:

- Rejected claims 1, 2, 4-6, 8-17, 19-21, 23-29, 31-39, 41, 42, and 44-46 under 35 U.S.C. 103(a) as unpatentable over Aronson et al.(US 2002/0149821 A1) in view of Gilliland et al. (US 2002/0181894 A1).

Applicants retain claim 1-46 in their current form and add claims 47-52. Support for claims 47 and 50 can be found in paragraph 91 of the specification. Support for claims 48 and 51 can be found in paragraph 91 of the specification in the description for Figure 5D. Support for claims 49 and 52 can be found throughout the specification such as for example in paragraphs 50, 51, 56, 64, 66, and 67. No new matter has been added.

Claim Rejections - 35 U.S.C. § 103

The Examiner has rejected claims 1, 2, 4-6, 8-17, 19-21, 23-29, 31-39, 41, 42, and 44-46 under 35 U.S.C. 103(a) as unpatentable over Aronson in view of Gilliland. To establish a prima facie case of obviousness, three basic criteria must be met, namely:

- 1) There must be some suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to modify the reference or to combine reference teachings;
- 2) There must be a reasonable expectation of success; and
- 3) The prior art reference (or references when combined) must teach or suggest all the claim limitations. The teaching or suggestion to make the claimed combination and the reasonable expectation of success must both be found in the prior art and not based on applicant's disclosure.¹

The Examiner states that Aronson discloses “a pin array having a plurality of pins, at least some of which are in communication with the controller IC... and pair of pins in communication with the serial digital interface.” Applicants respectfully disagree that Aronson discloses a pin array, but instead merely discloses “host device interface input/output lines” that are not necessarily implemented via physical pins, let alone an array of such pins.

¹ *In re Vaeck*, 947 F.2d 488, 20 USPQ2d 1438 (Fed. Cir. 1991).

Accordingly, claims 1, 2, 4-6, 8-17, 19-21, 23-29, 31-39, 41, 42, and 44-46 cannot be unpatentable over Aronson in view of Gilliland, as the prior art references do not teach or suggest all of the claim limitations.

However, even if the Examiner's arguments were correct, *i.e.* that Aronson discloses "a pin array having a plurality of pins, at least some of which are in communication with the controller IC... and pair of pins in communication with the serial digital interface," Aronson is not a proper prior art reference under any of the sections of 35 U.S.C. 102. In particular, if the physical array of pins is disclosed in Aronson (which Applicants believe it is not), then all the claim limitations, with the exception of the housing limitation, is, per the Examiner, explicitly disclosed in Aronson.

Figures 1 and 2 in Aronson, however, show a housing as the large rectangular box surrounding the components. Additionally, Applicants believe that a "housing" is inherent in all optoelectronic transceivers, and one of ordinary skill in the art would appreciate this fact. As such, based on the Examiner's assertions, all of the limitations of the rejected independent claims, including the housing, are disclosed in Aronson. As the present application claims priority to Aronson and based on the Examiner's assertions, the effective filing date of the present application must be the same filing date of Aronson (*i.e.* Feb. 5, 2001). Therefore, as the present application and Aronson share the same effective filing date, Aronson is not proper 35 U.S.C. 102 prior art against the present application.

In light of the above, it is respectfully submitted that without Aronson, the Examiner has failed to make a prima facie case of obviousness.

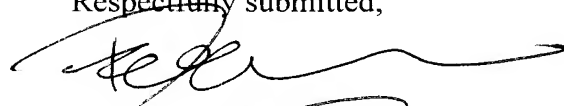
CONCLUSION

In view of the foregoing, it is respectfully submitted that the application is now in a condition for allowance. However, should the Examiner believe that the claims are not in condition for allowance, the Applicant encourages the Examiner to call the undersigned attorney at 650-843-7519 to set up an interview.

If there are any fees or credits due in connection with the filing of this Amendment, including any fees required for an Extension of Time under 37 C.F.R. Section 1.136, authorization is given to charge any necessary fees to our Deposit Account No. 50-0310 (order No. 60900-0155-US). A copy of this sheet is enclosed for such purpose.

Respectfully submitted,

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